Entered – 08/06/03 - sb CL04L0483 - DIANNE C. MITCHELL

CLAIM OF: OWEN OMUNDSEN

769 Vedado Way, NE Atlanta, Georgia 30308

04- R-1789

For damages alleged to have been sustained as a result of water run off from an abutting property occurring on an ongoing basis at 769 Vedado Way, NE.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFTEY &

LEGAL ADMINISTRATION COMMITTEE

DATE:

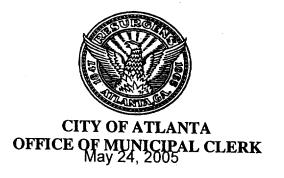
DAIL

5/10/0

10/05 Alverse Report

ADVERSED BY

MAY 1 5 2205



RHONDA DAUPHIN JOHNSON, CMC MUNICIPAL CLERK

> Owen Omundsen 769 Vedado Way, NE Atlanta, GA 30308

55 TRINITY AVENUE, S.W. SECOND FLOOR, EAST SUITE 2700 ATLANTA, GEORGIA 30335 (404) 330-6033 FAX (404) 658-6103

04-R-1789

Dear Mr. Omuhdsen:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 16, 2005. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC

Municipal Clerk

cc: Claims Division/Law Department

## **DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. <u>04L0483</u> Date: <u>September 29, 2004</u>
Claimant / Victim OWEN OMUNDSEN
BY: (Atty) Address: 769 Vedado Way, NE, Atlanta, Georgia 30308
Subrogation: Claim for Property damage \$ Not Stated Bodily Injury \$
Date of Notice: 07/30/04 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence Ongoing Place: 769 Vedado Way, NE
Department Watershed Management Rureau
Department Watershed Management Bureau:  Employee involved Disciplinary Action:
Employee mvorved Disciplinary retion.
NATURE OF CLAIM: The claimant alleges that his property has been damaged over the years due to water run off from abutting properties; that the City has failed to enforce "City Codes and Zoning Ordinance"; that the City has failed to enforce its building permit codes; and that the City allowed "illegal" paving on an abutting property. The investigation determined that the claimant's allegations are all of a private nature between the claimant and the other private property owners abutting his property.
INVESTIGATION:
Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver
BASIS OF RECOMMENDATION:
Function: Governmental Y Ministerial
Function: Governmental X Ministerial
City not involved Y Offer rejected Compromise settlement
Repair/replacement by Ins. CoRepair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned
Claimant Negrigent City Negrigent Joint Olam Managent
Respectfully submitted,
Jun lu Dal
INVESTIGATOR - DIANNE C. MITCHELL
RECOMMENDATION:
7 A A A A A A A A A A A A A A A A A A A
Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01 Claims Manager:
Claims Manager:Concur/dateConcur/date
Committee Action:Council Action

FORM 23-61

## Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 3-15

ADOPT

YEAS: 13

NAYS: 0

ABSTENTIONS: 0

NOT VOTING: 2

EXCUSED: 0
ABSENT 1

Y Starnes NV Young Y Winslow

Y Archibong Y Mocre B Fauver

Y Shook Y Muller

Y Martin Y Maddox

Y Mitchell Y Norwood Y Willis

Y Sheperd NV Borders

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	05-16-05 Council Meeting ITEMS ADVERSED ON CONSENT			
			1. 05-O-0655	31. 05-R-0839	50. 04-R-1789
			2. 05-O-0656	32. 05-R-0677	51. 05-R-0793
3. 05-O-0657	33. 05-R-0832	52. 05-R-0795			
4. 05-O-0658	34. 05-R-0833	53. 05-R-0799			
5. 05-O-0659	35. 05-R-0836	54. 05-R-0800			
6. 05-O-0762	36. 05-R-0837	55. 05-R-0801			
7. 05-O-0778	37. 05-R-0878	56. 05-R-0802			
8. 05-O-0781	38. 05-R-0818	57. 05-R-0805			
9. 05-O-0871	39. 05-R-0820	58. 05-R-0806			
10. 05-O-0874	40. 05-R-0826	59. 05-R-0807			
11. 05-O-0669	41. 05-R-0835	60. 05-R-0810			
12. 05-O-0684	42. 05-R-0785	61. 05-R-0812			
13. 05-O-0685	43. 05-R-0786	62. 05-R-0814			
14. 05-O-0850	44. 05-R-0787	02.02.10011			
15. 05-O-0702	45. 05-R-0788				
16. 05-O-0703	46. 05-R-0789				
17. 05-O-0704	47. 05-R-0790				
18. 05-O-0845	48. 05-R-0791				
19. 05-R-0822	49. 05-R-0792				
20. 05-R-0823		*			
21. 05-R-0824					
22. 05-R-0827					
23. 05-R-0828					
24. 05-R-0834					
25. 05-R-0881					
26. 05-R-0821					
27. 05-R-0872					
28. 05-R-0830					
29. 05-R-0875					
30. 05-R-0838					